

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA ex rel.
JOSEPH SEIKEL and TERENCE SEIKEL,

Plaintiffs/Relators,

v.

DAVID B. ALVAREZ; APPLIED
CONSTRUCTION SOLUTIONS, INC.;
ENERGY TRANSPORTATION, LLC;
ENERGY RESOURCE GROUP, LLC;
ET360, LLC; BEAR CONTRACTING, LLC;
BEAR UTILITIES, LLC; JASON P.
HENDERSON; and JOHN DOES NOS. 1-50,
FICTIONAL NAMES;

Defendants.

Case No.: 1:23-cv-01

**ORDER ADOPTING
JOINT STIPULATION**

The parties have met and conferred and agreed on a schedule to allow Relators to file an amended Complaint per FRCP 15(a)(1)(B) as well as for setting deadlines to respond to pending Motions to Dismiss (Dkt. Nos. 63 and 66) and potential future Motions to Dismiss.

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned the following:

1. Relators may file an amended Complaint as provided for in FRCP 15(a)(1)(B).
2. The 21-day deadline contemplated in FRCP 15(a)(1)(B) shall be extended by 14 additional days. This makes April 4, 2023 the new deadline for Relators to file their amended Complaint.
3. Defendants reserve the right to object to Relator's amendment except on the basis that such an amendment is untimely under FRCP 15(a)(1)(B).

4. Defendants shall have 30 days to file responsive pleadings to the Relators' Amended Complaint once filed.

5. Relators shall have 30 days to respond to any motion(s) to dismiss filed by Defendants in response to Relators' Amended Complaint. If for any reason the Court enters an order denying amendment of Relators' Complaint, then Relators shall have 30 days from the date of the Court Order to respond to the Defendants' current Motions to Dismiss (Dkt. Nos. 63 and 66).

Dated: March 14, 2023.

SO ORDERED:



Honorable Thomas S. Kleeh

AGREED:

**DAVID B. ALVAREZ; APPLIED
CONSTRUCTION SOLUTIONS, INC.;
ENERGY TRANSPORTATION, LLC**

/s/ Marc R. Weintraub

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**UNITED STATES OF AMERICA
ex rel. JOSEPH SEIKEL and
TERRENCE SEIKEL**

/s/ Anthony J. Majestro

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**ENERGY RESOURCE GROUP, LLC;
ET360, LLC; and JASON HENDERSON**

/s/ Allison B. Williams

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